

October 21, 2008

Ms. Angela Nance
State of Utah, Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84116

**RE: Nevada Electric Investment Company (NEICO)
Wellington Preparation Plant – Reclamation Bond**

Dear Ms. Nance,

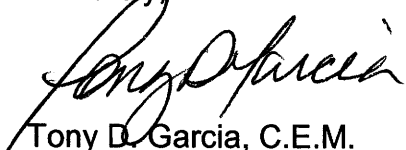
Enclosed please find a signed "*Stipulation to Revise Reclamation Agreement*" for the Nevada Electric Investment Company's (NEICO), Wellington Preparation Plant (Permit No. ACT/007/012).

Also enclosed are signed copies of the following:

- 1) Affidavit of Qualification – Permittee
- 2) Affidavit of Qualification – Surety Company
- 3) Surety Bond Rider – from Fidelity and Deposit Company of Maryland
- 4) Surety Power of Attorney – from Fidelity and Deposit Company of Maryland

If you have any questions, please contact me directly at 702-402-5767.

Sincerely,



Tony D. Garcia, C.E.M.
Manager, Environmental Services
Nevada Power Company d/b/a NV Energy

cc: NEICO File
K. Cresto

RECEIVED

OCT 22 2008

DIV. OF OIL, GAS & MINING

EXHIBIT "D"

Stipulation to Revise Reclamation Agreement (Non-Federal)

Exhibit "D"
Stipulation to Revise
Reclamation Agreement
Non-Federal

Permit Number: C/007/012

Effective Date: 3/7/2008

Bond Number: 4013097

COAL

STIPULATION TO REVISE RECLAMATION AGREEMENT

--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

In accordance with regulatory requirements outlined in the State of Utah, "Bonding and Insurance" regulations (R645-301-800), the Nevada Electric Investment Company (NEICO), Wellington Preparation Plant has re-evaluated its property and as a result secured a Reclamation Bond for the amount of \$5,153,000.00. This amount is an increase from the Reclamation Bond posted in 1998 for the amount of \$4,904,000.00.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

- ☐ Replace the Reclamation agreement in its entirety.
- ☐ Replace Exhibit "A"- permit area.
- ☒ Replace Exhibit "B"- bonding agreement
- ☐ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$4,904,000.00 to \$ 5,153,000.00.

The bonding type is changed from _____ to _____.

The surface disturbance is revised from _____ acres to _____ acres.

The expiration date is revised from _____ to _____.

The liability insurance carrier is changed from A _____ to _____.

The amount of insurance coverage for bodily injury and property damage is changed from \$ _____ to \$ _____.

Exhibit "D"
Stipulation to Revise
Reclamation Agreement
Non-Federal

IN WITNESS WHEREOF, NEICO the **PERMITTEE** has hereunto set its
signature and seal this 21st day of October, 2008.

Nevada Electric Investment Company
(NEICO)

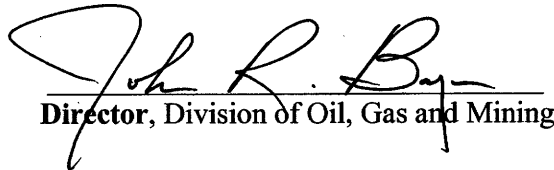


PERMITTEE

By: Roberto R Denis

Title: President

ACCEPTED BY THE STATE OF UTAH this 27th day of October, 2008.



Director, Division of Oil, Gas and Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

**AFFIDAVITS
OF
QUALIFICATION**

Bond Number 4013097

**AFFIDAVIT OF QUALIFICATION
PERMITTEE**

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I, Roberto R. Denis, being first duly sworn under oath, deposes and says that he/she is
the (officer or agent) President of Nevada Electric Investment Company ;
and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said
PERMITTEE is authorized to execute the same and has complied in all respects with the laws of
Utah in reference to commitments, undertakings and obligations herein.

Roberto R. Denis - President
(Signed)
Name - Position

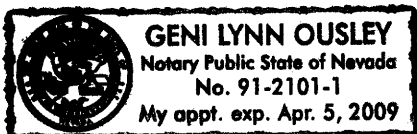
Attest: [Signature]
Secretary of the Corporation

STATE OF NEVADA)

) ss:

COUNTY OF CLARK)

Subscribed and sworn to before me this 21 day of OCTOBER, 2008.



My Commission Expires:

April 5, 2009.

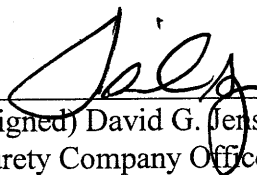
[Signature]
Notary Public

Bond Number 4013097

**AFFIDAVIT OF QUALIFICATION
SURETY COMPANY**

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I, David G. Jensen, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) Attorney-in-Fact of Fidelity and Deposit Company of Maryland; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said SURETY COMPANY is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.


(Signed) David G. Jensen, Attorney-in-Fact
Surety Company Officer - Position

Attest:

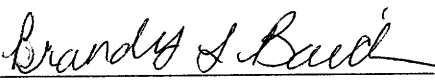
STATE OF Arizona)

) ss:

COUNTY OF Maricopa)

Subscribed and sworn to before me this 20th day of October, 2008.




Notary Public
Brandy L. Baich

My Commission Expires:

April 30, 2012.

BOND RIDER

TO BE ATTACHED TO AND FORM PART OF BOND

BOND NO.: 4013097

OBLIGEE: State of Utah, Division of Oil, Gas & Mining

PRINCIPAL: Nevada Electric Investment Company

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider.

Bond amount is increased:

From: Four Million Nine Hundred Four Thousand and NO/100 Dollars (\$4,904,000.00)

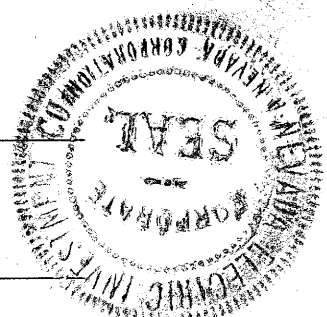
To: Five Million One Hundred Fifty-Three Thousand and NO/100 Dollars (\$5,153,000.00)

PROVIDED, however, that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as charged by this rider shall not be cumulative.

SIGNED AND SEALED: March 7, 2008

Nevada Electric Investment Company
Principal

By: 



Fidelity and Deposit Company of Maryland
Surety

By: 

David G. Jensen, Attorney-in-Fact

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Maryann CARAFELLO, Terry CRULL, David G. JENSEN, Brandy Lee BAICH and Ethan BAKER, all of Phoenix, Arizona, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, ~~any and all bonds and undertakings~~, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md, in their own proper persons. This power of attorney revokes that issued on behalf of Maryann CARAFELLO, Terry CRULL, David G. JENSEN, Brandy Lee BAICH, dated August 13, 2007.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 11th day of January, A.D. 2008.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Eric D. Barnes

By:

Theodore G. Martinez

Eric D. Barnes

Assistant Secretary

Theodore G. Martinez

State of Maryland }
City of Baltimore } ss:

On this 11th day of January, A.D. 2008, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and ERIC D. BARNES, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn

Constance A. Dunn

Notary Public

My Commission Expires: July 14, 2011

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of March, 2008.

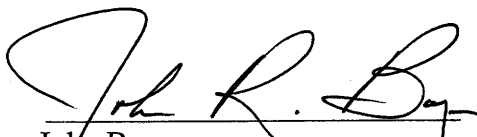
Gerald F. Haley
Assistant Secretary

Bond Number _____

**AFFIDAVIT OF QUALIFICATION
DIRECTOR**

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John Baza, being first duly sworn under oath, deposes and says that he is the Director for the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said Acting Director is authorized to execute the same by authority of laws on behalf of the State of Utah.



John Baza
Director, Division of Oil, Gas and Mining

STATE OF Utah)
COUNTY OF Salt Lake) ss:

Subscribed and sworn to before me this 27 day of October 2008.


Notary Public

My Commission Expires:

1/11/2011, 200

